

CR/ESB/J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RONALD L. GALLATIN, M. KENNETH  
WITOVER and JOHN D. CASE, on behalf of  
themselves and Derivatively on behalf of  
FOREDESTINE SERIES FUND, LLC-  
BROAD MARKET SERIES and  
FOREDESTINE SERIES FUND, LLC-  
BROAD MARKET XL SERIES,

Plaintiffs,

- against -

FOREDESTINE, LLC and ROBERT I.  
SCHULMAN,

Defendants,

FOREDESTINE SERIES FUND, LLC-  
BROAD MARKET SERIES and  
FOREDESTINE SERIES FUND, LLC-  
BROAD MARKET XL SERIES,

Nominal Defendants.

X

Pursuant to F.R.C.P. 41(a)(1)(A)(ii), plaintiff, John D. Case, hereby stipulates and agrees  
that his claims in the within action are hereby dismissed without prejudice and with each party  
bearing its own costs. This stipulation may be executed in counterparts and a facsimile or e-mail  
signature shall be as good as an original.

Dated: Uniondale, New York  
October 7, 2011

RUSKIN MOSCOU FALTISCHEK, P.C.  
*Attorney for Plaintiff's*

By:

Thomas A. Telesca  
1425 RXR Plaza, East Tower 15<sup>th</sup> Fl  
Uniondale, New York 11556  
(516) 663-6600

SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM, LLP  
*Attorneys for Defendants Foredestine LLC  
and Robert I. Schulman*

By:

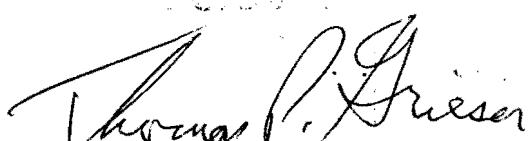
Seth M. Schwartz, Esq.  
Four Times Square  
New York, New York 10036  
(212) 735-3000

LAZARE POTTER &  
GIACOVAS LLP

*Attorneys for Nominal Defendants  
ForeDestin Series Fund, LLC - Broad  
Market Series and  
ForeDestin Series Fund, LLC - Broad  
Market XL Series*

By:

~~Robert A. Giacovas, Esq.~~  
~~950 Third Avenue~~  
~~New York, New York 10022~~  
~~(212) 758-9300~~

  
Thomas P. Grieser  
U.S.D.J.